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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/527,373	03/10/2005	Josef Schmidt	12604/13	5577

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EXAMINER

ABRAMS, NEIL

ART UNIT PAPER NUMBER

2839

DATE MAILED: 08/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/527,373	Applicant(s) SCHMIDT	
	Examiner Neil Abrams	Art Unit 2839	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11-25 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 11-25 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Title - - with hood enclosure - - should be added.

Abstract objected to following or equivalent should be added at end - - The field device includes an electronics insert (20) and a connection box (30) that are to be electrically joined by plug in connectors (21, 31) and the assembly (20,30) is to be enclosed by the hood (11,41) with seals formed (22, 33,33) between the assembly and the hood. The hood may include cooling vanes (37,42)- - A new abstract is required.

Numeral use suggested.

Drawings objected to, figure 2, numerals 29, 13, 34, 36 should be added; an edge of part 31 could be shown opposite part 21. Figure 6; numeral 29 should be added. Figure 21, an edge of connector 52 should be shown. Figure 4, "37" is incorrect.

1. Claims 13, 16-20, 22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
2. Claims 13, 18, 22 are improperly expressed in the alternative with listings in each case of completely diverse alternative limitations. Also numerous features are recited without antecedent basis. Claim 16, line 2 should read - - a seal between the electronics insert and the hood - -.
3. Claims 11, 12, 13, 14, 15, 21,24,25 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Schultz.

4. For claim 11, Schultz figure 2 device 16, 14 includes a hood 14 with an opening extending in one direction through port 40. . Claims 12, 13, 24, 25 do not define structural features to avoid hood of Schultz
5. For Claim 13, hood 14 will drain water. Claims 14, 15, met by Schultz vanes 50.
6. For claim 21, part 16 is a connectors box and includes electronics 22. Should issue arise, for any claim recited features deemed obvious variations. For example obvious to use Schultz part 16 to contain "field device" of type referred to in spec of this case to provide wider use of the device
7. Claim 25 with no disclosed circuitry does not define over Schultz part 22. Also note alternative mounting means 52.
8. Claims 21-25 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Sumida.
9. Sumida includes housing 2 with connection box 8 and an electronics insert 6 and hood 3 see figure 2.
10. Claim 22, note opening 19a, claim 23 note seals 3c, 3c. Obvious to reverse the parts at 3c, 2b to locate the two seals on the housing 2. This reversal of parts provides no stated new result. The housing 4 with included box 8 is real as a connection box assembly the seals 3c, 3c then being readable as "included in the connection box". Claim 24, 25 define no structural details over Sumida.
11. Claims 11, 12, 13, 17-20 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Bush.

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12. Bush equipment includes hood 11 having an open end. Should issue arise, recited features deemed obvious variations. Claims 12, 13, (water drain) do not define over hood 11. For claim 16, Bush includes electronics insert at 13, 14, figure 5 to be joined to hood 11 and having a seal 15 that engages the hood. Claim 17, "upper hood part" could be read on fig 3 portion from 15 to top of hood. Claim 18 (parts e, f) and claims 19, 20 do not define over Bush electronics.

13. For claim 11 also note hoods of Guttman at 30 , Chen at 2 and Romerein at 80

Any inquiry concerning this communication should be directed to Neil Abrams at telephone number 571-272-2089


NEIL ABRAMS
PRIMARY EXAMINER